

Message Text

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PAGE 01 ROME 07216 190939Z

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SUBJECT: TERRORIST ACTIVITIES AGAINST JUDGES AND PUBLIC
PROSECUTORS

REF: US BERLIN 0831

1. THE RED BRIGADES HAVE CONSISTENTLY MAINTAINED THE POSITION THAT ANY OF THEIR MEMBERS IN CUSTODY ARE PRISONERS OF WAR AND NOT CIVIL PRISONERS. THEREFORE, THE STATE HAS NO RIGHT TO TRY THEM. THEY HAVE NOT ONLY STEADFASTLY REFUSED DEFENSE COUNSEL, MAINTAINING THAT IT IS THE STATE ON TRIAL AND NOT THEM, BUT THEY HAVE HARASSED, THREATENED AND EVEN KILLED PERSONNEL ASSOCIATED WITH THE COURT APPARATUS TO UPHOLD THIS POSITION.

2. ON APRIL 18, 1976 THE RB KIDNAPPED MARIO SOSSI, ASSISTANT PROSECUTOR OF THE REPUBLIC IN GENOA. THEY HELD HIM FOR RANSOM UNTIL MAY 23 WHEN HE WAS RELEASED UNHARMED. THE RB HAD ASKED FOR RELEASE OF 8 COMRADES IN PRISON IN EXCHANGE FOR SOSSI. THE EXCHANGE WAS NEVER MADE BY THE STATE, ALTHOUGH THE ITALIAN COURTS HAD AGREED TO THE RELEASE.

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PAGE 02 ROME 07216 190939Z

3. ON JUNE 8, 1976, THE RB ASSASSINATED FRANCESCO COCO, CHIEF PROSECUTOR OF THE REPUBLIC OF GENOA AND TWO MEN OF HIS ESCORT. COCO HAD BEEN ACTIVELY ASSOCIATED WITH THE TRIAL OF THE EIGHT BRIGADISTS IN JAIL AND HAD BEEN THE PRINCIPAL OPPONENT OF ANY EXCHANGE FOR SOSSI.

4. ON APRIL 28, 1977 THE RB SHOT AND KILLED FULVIO CROCE,

PRESIDENT OF THE LAWYER'S GUILD OF TURIN. CROCE HAD INSISTED IN ARRANGING FOR DEFENSE ATTORNEYS FOR THE RED BRIGADES PRESENTLY ON TRIAL IN TURIN AGAINST THE WISHES AND WARNINGS OF THE BRIGADISTS.

5. ON FEBRUARY 14, 1978, THE RB SHOT AND KILLED MAGISTRATE RICCARDO PALMA IN ROME. PALMA WAS ASSIGNED TO THE GENERAL DIRECTORSHIP OF PENAL INSTITUTIONS IN THE MINISTRY OF PARDONS AND JUSTICE WHERE HE WAS DIRECTLY INVOLVED IN THE CONSTRUCTION AND RESTRUCTURING OF PRISONS. HE HAD JUST RETURNED FROM INSPECTING THE SPECIAL HOLDING CAGE FOR THE BRIGADISTS ON TRIAL IN TURIN LOCATED IN THE COURTROOM AND THE TEMPORARY PRISON FACILITIES USED FOR THEIR INCARCERATION. THE RB BELIEVE THE STATE IS UTILIZING "SPECIAL PRISONS" FOR THE "SCIENTIFIC DESTRUCTION OF PROLETERIAT IN CUSTODY."

6. ON APRIL 12, 1978 THE RB SHOT AND KILLED LORENZO COTUGNO, A GUARD ASSIGNED TO THE PRISON WHERE CURCIO IS NORMALLY HELD. BEFORE DYING, COTUGNO WAS ABLE TO SHOOT ONE OF HIS ASSAILANTS. THE RB CARRIED HIM OFF FROM THE SCENE AND THEN DEPOSITED HIM IN FRONT OF AN AID STATION. THE BRIGADIST HAS DECLARED HIMSELF TO BE A PRISONER OF WAR AND REFUSES TO GIVE ANY OTHER INFORMATION.

7. THIS IS THE THIRD ATTEMPT BY THE ITALIAN STATE TO TRY THE 15 BRIGADISTS IN PRISON IN TURIN. IN 1976, THE TRIAL WAS LIMITED OFFICIAL USE

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PAGE 03 ROME 07216 190939Z

POSTPONED BECAUSE OF THE REFUSAL OF THE BRIGADISTS TO ACCEPT DEFENSE COUNSEL WHICH IS MANDATORY UNDER ITALIAN LAW. IN 1977 IT WAS POSTPONED AGAIN BECAUSE IT WAS IMPOSSIBLE TO GET SUFFICIENT JURORS TO SERVE. FEAR HAD TAKEN OVER.

8. THIS YEAR, ANYONE ASSOCIATED WITH THE TRIAL INCLUDING JUDGES, ATTORNEYS AND JURORS HAVE BEEN GIVEN 24 HOUR POLICE PROTECTION. THE JURORS WERE GUARANTEED SUCH PROTECTION FOR AT LEAST A YEAR AFTER THE TRIAL IF THEY WOULD AGREE TO SERVE. THIS BASICALLY IS THE ONLY PROTECTION POSSIBLE FOR THESE PEOPLE AND THE ONLY PROTECTION BEING AFFORDED, AS FAR AS THE RSO IS AWARE.

9. YESTERDAY, RENATO CURCIO, ONE OF THE HISTORIC LEADERS OF THE RB AND ONE OF THE BRIGADISTS PRESENTLY ON TRIAL STATED IN OPEN COURT THAT THE PRESIDING JUDGE IS UNDER A DEATH SENTENCE. GARDNER

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